

13 August 1986

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SSCI

RECP #

Record

MEMORANDUM FOR: Assistant to the President for  
National Security Affairs

SUBJECT: SSCI Questions for the Record on Security  
Countermeasures

1. Subsequent to a hearing on security, the SSCI addressed a series of questions. We have responded to all of them except one which deals with leaks. Elements of this question were answered so differently by State, Defense and the Intelligence Community that I felt an effort should be made to reconcile. Otherwise, we certainly face a Congressional reaction that we don't have our act together.

2. I attach a set of the questions and answers.

3. To help you quickly see the kind of issues involved here, let me give you an example response to one of the questions.

Question

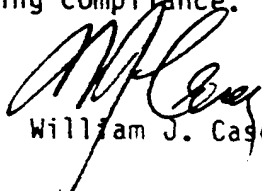
What are the advantages and disadvantages of requiring that memoranda of conversation be written on all media contacts, and that such memoranda be reviewed periodically?

Answer

State: Requiring records could be useful if there is a system which would ensure that everyone conforms. In reality, it would probably be unenforceable and would do nothing to deter unauthorized disclosures. Such a requirement surely would be given bad press by the media (i.e., freedom of the press issues), could discourage necessary media contacts, and could result in unnecessary morale problems.

Defense: Would provide investigative leads, make officials more careful, and secure better compliance with security policy. However, there are disadvantages, including the prospect of massive noncompliance at high levels of the government and even the possibility of falsification of such memoranda. Given the difficulty of getting senior officials to comply with such a rule, it could lead to widespread contempt for it by those at lower levels in the bureaucracy.

Intelligence Community: Would provide investigative leads, making officials more careful, if better compliance with security and public affairs policy. Only disadvantage would be difficulty of obtaining compliance.

  
William J. Casey

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SSCI QUESTIONS FOR THE RECORD ON SECURITY COUNTERMEASURES  
3 JULY 1986

QUESTION AREA: Unauthorized Disclosures

**QUESTION 22:** Please provide the views of the DCI, the Secretary of State, and the Secretary of Defense on the following: (U)

- (a) Are there any reasons why it would not be useful to have formal procedures governing the disclosure of classified information?
- (b) What are the advantages and disadvantages of requiring that advance approval be obtained for the disclosure of classified information?
- (c) What are the advantages and disadvantages of requiring that the Intelligence Community be given a chance to argue against the disclosure of classified information based upon intelligence, before approval is given for the disclosure of such information?
- (d) What are the advantages and disadvantages of requiring that memoranda of conversation be written on all media contacts, and that such memoranda be reviewed periodically?
- (e) What are the advantages and disadvantages of requiring that classified information be formally declassified before being provided to media contacts for publication?

DCI ANSWERS. (U)

- (a) There is no reason not to have formal procedures governing the disclosure of classified information (to persons not cleared or authorized to receive it). In fact, procedures for declassifying information exist in Section 3.1 of E.O. 12356, "National Security Information." Part 4 of E.O. 12356 describes restrictions on access to classified information.
- (b) The advantages of requiring advance approval to disclose classified information are: (1) it is required by the Executive Order; (2) it would help preclude unauthorized disclosures by persons unqualified to determine the need for continued classification; and (3) it will help foster a sense of order and uniformity regarding declassification procedures. There are no disadvantages that suggest themselves.
- (c) As the official charged by statute with the protection of intelligence sources and methods (an authority recently affirmed by the Supreme Court's Sims decision), the Director of Central Intelligence is the arbiter, subject to Presidential authority, of what classified intelligence may be declassified and released and what should not. There are no apparent advantages to such a requirement.

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